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HARTSON

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www.hhlaw.com

TELECOPY/FACSIMILE

To: Company: Fax Number: Tel Number:
Examiner: U.S. Patent and Trademark Office 571 - 273 - 8300
Vincent Lai Art Unit 2181

From: Dariush G. Adli

For internal purposes only: Please Return Fax to Rosa V.

Date: August 14, 2006

Client number: 81751.0062

Time:

Attorney billing number: 5214

Total number of pages incl. cover page:

Confirmation number:

28

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MESSAGE:

Patent Application No.: 10/601,136; Our Ref. 81751.0062

I hereby certify that the following documents:

- ☒ Petition for Revival of an Unintentionally Abandoned Application.
- ☒ Copy of the Notice of Abandonment.
- ☒ Copy of the Amendment filed on March 10, 2006.

August 14, 2006
Date of Deposit


Firoozeh Vakilzadeh

are being facsimiled to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450., for filing in the above-identified application.

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Baltimore Beijing Berlin Boulder Brussels Budapest Caracas Colorado Springs Denver Geneva Hong Kong London Los Angeles
Miami Moscow Munich New York Northern Virginia Paris Shanghai Tokyo Warsaw Washington, D.C.

WLA - 081751/000062 - 319776 v1

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Patent Application No. 10/601,136
Attorney Docket No. 81751.0062

AUG 14 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Makoto KUDO

Serial No: 10/601,136

Confirmation No.: 5957

Filed: June 20, 2003

For: **DATA PROCESSING DEVICE AND
ELECTRONIC EQUIPMENT**

Art Unit: 2181

Examiner: Vincent Lai

**PETITION PURSUANT TO 37 C.F.R. § 1.137(b) FOR
REVIVAL OF AN UNINTENTIONALLY ABANDONED
APPLICATION**

I hereby certify that this correspondence
is being transmitted via facsimile to
(571) 273-8300:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on
August 14, 2006

Date of Deposit
Firoozeh Vakiltzadeh

Name
Signature *Firoozeh Vakiltzadeh* 8/14/06
Date

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.137(b), applicants respectfully petition for revival of the above-identified patent application which became unintentionally abandoned on August 4, 2006. The present application became abandoned because the Patent Office informed Troy Schmelzer that a response to the non-final office action mailed out on December 14, 2005 had not been timely received. The attorney contends that a response was sent out on March 10, 2006. Copy of the sent response is enclosed.

Based on the foregoing, Applicant respectfully requests that the Office Withdraw the Holding of Abandonment of this application.

Applicant believes that no fee is due in connection with the instant petition. However, if it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

It is believed that no extension of time is required. However, should an extension of time be necessary to revive the above-identified application or to

Patent Application No. 10/601,136
Attorney Docket No. 81751.0062

prevent the above-identified application from becoming abandoned again, please consider this a conditional petition for such an extension of time. Please charge any fee for such an extension of time to Deposit Account No. 50-1314. A copy of this paper is enclosed.

If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: August 14, 2006

By:



Dariush G. Adli
Registration No. 51,386
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

Enclosures: Copy of Notice of Abandonment
Copy of Amendment filed March 10, 2006

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Patent Application No. 10/601,136
Attorney Docket No. 81751.0062

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In re application of:

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Alexandria, VA 22313-1450, on

August 14, 2006

Date of Deposit

Firoozeh Vakilzadeh

Name

(Signature)

Signature

8/14/06

Date

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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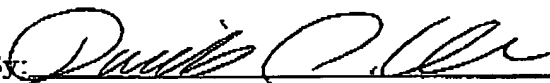
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Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: August 14, 2006

By: 
Dariush G. Adli
Registration No. 51,386
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

Enclosures: Copy of Notice of Abandonment
Copy of Amendment filed March 10, 2006

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Aug-14-06

16:25

From-Hogan & Hartson L.L.P. Los Angeles, CA

+1213 337 6701

T-237

P.006/028

F-792



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

SEAN ERSOY / PAR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,136	06/20/2003	Makoto Kudo	81751.0062	5957

26021 7590 08/04/2006
 HOGAN & HARTSON L.L.P.
 500 S. GRAND AVENUE
 SUITE 1900
 LOS ANGELES, CA 90071-2611

EXAMINER

LAI, VINCENT

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 08/04/2006

THIS MATTER DOCKETED
 FOR 8/22/06

(Petition to Revoke One)

Please find below and/or attached an Office communication concerning this application or proceeding.

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Aug-14-06 16:25 From:Hogan & Hartson L.L.P. Los Angeles, CA +12133376791 AUG 14 2006 T-237 P.007/028 F-792

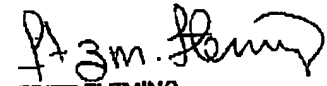
Notice of Abandonment	Application No.	Applicant(s)	
	10/601,136	KUDO, MAKOTO	
	Examiner	Art Unit	
	Vincent Lai	2181	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 December 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


FRITZ FLEMING
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100
 8/2/2006

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060731

Test Available Copy

Item 7 - Other reasons for holding abandonment: A phone call was made to Troy Schmelzer on August 1st, 2006 at 1:30 PM, in which the attorney was informed that application is to be abandoned for not timely responding to the non-final office action mailed out on December 4, 2005.

Examiner recognizes contention of attorney that a response was sent out in March 2006 and encourages the attorney to petition to withdraw holding of abandonment based on evidence that a reply was timely mailed or filed (See MPEP 711.03(c) [R-3], section B) if such is the case.

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Aug-14-06

16:25

From-Hogan & Hartson L.L.P. Los Angeles, CA

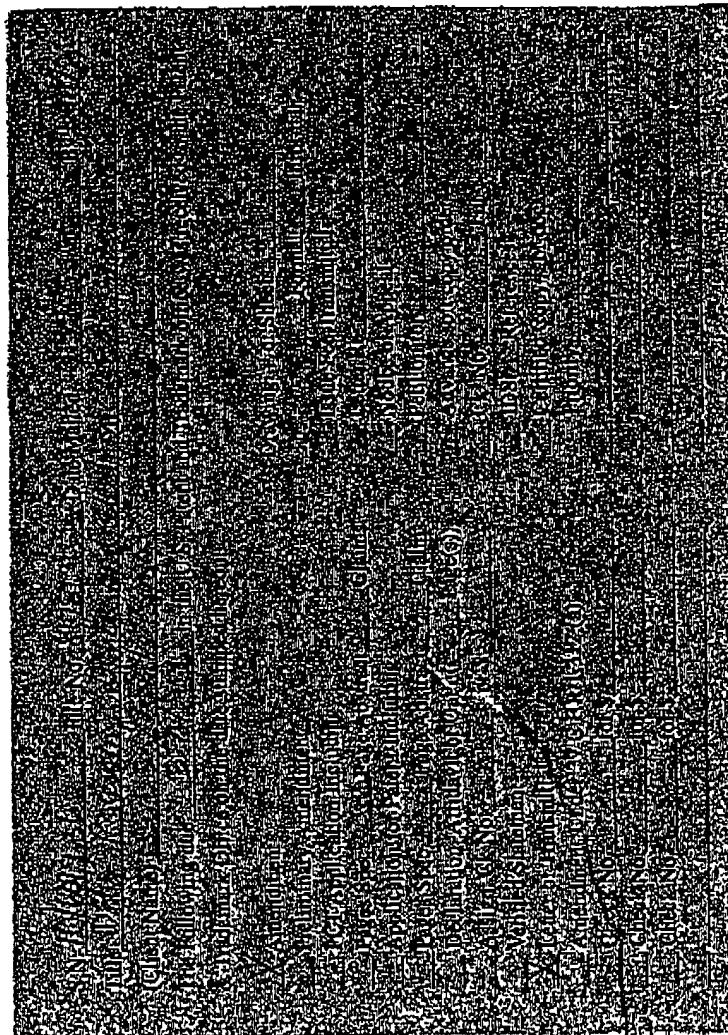
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P.009/028

F-782

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FORM PTO-1083

81751.0062

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Makoto Kudo

Serial No: 10/601,136

Confirmation No.: 5957

Filed: June 20, 2003

For: DATA PROCESSING DEVICE AND ELECTRONIC EQUIPMENT

Art Unit: 2181

Examiner: Vincent Lai

AUG 14 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on
March 10, 2006
Date of Deposit
Sherin Yathoubzadeh
Name
Signature
Date 03-10-06

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below:

THE FEE HAS BEEN CALCULATED AS SHOWN BELOW:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	20	-	20	0	LG=\$50 SM=\$25	\$(FEE)	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$200 SM=\$100	\$(FEE)	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$ (FEE)
ADDITIONAL SIZE FEE (IF ANY) (TOTAL PAGES OF SPEC AND DRAWINGS TOGETHER)					\$250 FOR EACH ADDITIONAL 50 SHEETS		\$ (FEE)
TOTAL							\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of \$ 0 to cover the additional claims fee is enclosed. A copy of this sheet is enclosed.
- ☐ A check in the amount of \$ 0 to cover the extension fee is enclosed. A copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1314. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By:

Darius G. Adli
Registration No. 51,386
Attorney for Applicant(s)

Date: March 10, 2006

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213 337-6700
Facsimile: 213 337-6701

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